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Chairman: Mr. Abelian (Armenia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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Organization of work

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The meeting was called to order at 10 a.m.

Agenda item 141: Financing of the United Nations Support Mission in Haiti, the United Nations Transition Mission in Haiti and the United Nations Civilian Police Mission in Haiti (continued)
(A/C.5/53/L.40)

Draft resolution A/C.5/53/L.40

1. **Mr. Sulaiman** (Syrian Arab Republic), Rapporteur, introduced draft resolution A/C.5/53/L.40, drawing particular attention to paragraph 9, and expressed the hope that the draft resolution would be adopted without a vote.
2. *Draft resolution A/C.5/53/L.40 was adopted.*

Agenda item 119: Human resources management (continued)

Agenda item 112: Review of the efficiency of the administrative and financial functioning of the United Nations (continued)

Gratis personnel provided by Governments and other entities (A/53/417/Add.1, A/53/715, A/53/847; A/C.5/53/54)

3. **Mr. Wortel** (Director Operational Services Division, Office of Human Resources Management), introducing the reports of the Secretary-General, said that the report entitled "Gratis personnel provided by Governments and other entities" in document A/53/715 had been submitted in response to General Assembly resolution 51/243. It included a quarterly report on the acceptance of gratis personnel, which showed a 26 per cent decrease in type II gratis personnel, and an annual report on the use of gratis personnel, which showed a 55 per cent reduction in type II gratis personnel.
4. The report "Gratis personnel provided by Governments and other entities" in document A/C.5/53/54 was a quarterly report on the use of gratis personnel, covering the period from 1 October to 31 December 1998. During that period, the total number of type II gratis personnel had decreased by 30 per cent.
5. The report entitled "Gratis personnel" (A/53/847) had been submitted in response to General Assembly resolution 53/11. With the cooperation of Member States, all type II gratis personnel had been phased out as of 28 February 1999, except for one person in the International Tribunal for the Former Yugoslavia.

6. The Secretariat took note of the comments made by the Advisory Committee in its report (A/53/417/Add.1), particularly with regard to the waivers granted to gratis personnel in recruitment for the International Tribunal for the Former Yugoslavia. It agreed that the panel of eminent persons should not have been classified as type II gratis personnel; the records would be corrected accordingly.

7. All heads of departments and offices would be reminded of the need to comply with the policy and guidelines of the General Assembly with regard to the phase-out of type II gratis personnel; a detailed administrative instruction would be issued shortly.

8. **Mr. Barnwell** (Guyana), speaking on behalf of the Group of 77 and China, said that those countries deeply regretted the late submission of the report of the Secretary-General (A/53/715), as a result of which the report of the Advisory Committee had been delayed, and the Committee had resumed consideration of the issue after a considerable delay.

9. The Group sought clarification as to why the reports of the Secretary-General and of the Advisory Committee did not comply with the provisions of General Assembly resolutions 52/214 B and 53/208 B regarding the format of reports. In future, all reports should comply with those provisions.

10. The Group reiterated its position that the Secretariat of the United Nations should consist of personnel recruited in accordance with the provisions of Articles 97, 100 and 101 of the Charter. General Assembly resolutions 51/243, 52/234, 52/248 and 53/11 should be fully implemented in letter and spirit. The Organization should not resort to the use of gratis personnel as a result of poor personnel planning, and gratis personnel should not be a substitute for staff to be recruited against authorized posts for the implementation of mandated programmes and activities. Moreover, gratis personnel should not be sought and accepted for positions kept vacant solely for financial reasons.

11. The Group of 77 and China noted with deep concern that 17 gratis personnel had been offered appointments in the International Tribunal for the Former Yugoslavia; that was a clear violation of the recruitment procedures set forth in General Assembly resolution 51/226, part III B, paragraph 26, and should therefore be considered in the context of agenda item 119. Meanwhile, the Group sought clarification from the Advisory Committee on the rationale for its observation that the Secretary-General should have sought prior concurrence from the General Assembly or the Advisory Committee before taking a decision which

contravened General Assembly resolution 51/226; the Advisory Committee's guidance on relevant regulations and rules and/or resolutions, if any, in that regard would be welcomed.

12. The Group of 77 and China also noted with deep concern the contents of paragraph 8 of document A/C.5/53/54, and the related comments of the Advisory Committee in paragraph 4 of its report (A/53/417/Add.1). It believed that the decisions of the Secretary-General on gratis personnel should comply strictly with General Assembly resolutions 51/243 and 52/234 and endorsed the Advisory Committee's observation that the prior concurrence of the General Assembly was necessary before any exception was made.

13. The Group of 77 and China noted, in annex VI to document A/C.5/53/54, that one person had been accepted as gratis personnel in the United Nations Office of the Iraq Programme for contracts processing, in violation of the General Assembly's request in resolution 52/234 that such functions should only be performed by United Nations personnel. It noted with deep concern the Advisory Committee's observations in paragraph 2 of its report that gratis personnel had been accepted to perform functions which should have been performed by Secretariat staff; in future, non-staff should not be accepted to carry out duties in violation of General Assembly resolutions 51/243 and 52/234.

14. The Group of 77 and China endorsed the Advisory Committee's comments in paragraph 6 of its report and hoped to receive a report before June 1999 stating that all gratis personnel had been phased out without exception.

15. **Mr. Yamagiwa** (Japan) said that his delegation looked forward to the completion of the phasing out of type II gratis personnel by the end of June 1999.

16. The Secretary-General's observation in paragraph 5 of his report (A/53/847) that the timely response to the recruitment exercise facilitated the expeditious processing of the recruitment of civilian and active military and civilian police personnel was not very clear in view of the extensions of the deadline for the submission of candidacies. Moreover, if the recruitment exercise for all those posts had been successfully completed within a period of a few months, it should be possible to complete other routine recruitment and placement procedures with the same speed.

17. With regard to the recruitment of some former gratis personnel at the International Tribunal for the Former Yugoslavia, his delegation was not convinced of the appropriateness of the Secretary-General's approval of the

waiver of General Assembly resolution 51/226, paragraph 26, and did not find the justifications provided in paragraphs 91 to 94 of the report on human resources management (A/53/342) sufficiently credible. More information was needed in order to make a judgement in that respect. His delegation agreed with the Advisory Committee that the procedure followed had been in contravention of the provisions of General Assembly resolution 51/226, and had required prior concurrence of the General Assembly or the Advisory Committee. While recognizing the prerogatives of the Secretary-General as the chief administrative officer of the Organization, his delegation would deem any recurrence unacceptable.

18. **Mr. Sial** (Pakistan) said that the words "and other entities" should be removed from the title of the question under consideration since only Member States could be requested to provide gratis personnel.

19. With regard to the format of the documents before the Committee, it was regrettable that no clarification had been provided by the Secretariat about the failure to comply with General Assembly resolutions 52/214 B and 53/208 B.

20. His delegation fully agreed with the Advisory Committee that the Secretary-General should have sought the approval of the General Assembly before making an exception to paragraph 18 of General Assembly resolution 52/234, and asked why no such approval had been sought.

21. His delegation was puzzled that the Secretariat had waited for nine months after the adoption of General Assembly resolution 52/234 to circulate guidelines on the new policy to programme managers and department heads.

22. With regard to the recruitment of 17 gratis personnel to the International Tribunal for the Former Yugoslavia, his delegation agreed that there was no justification for violating the relevant General Assembly decisions, and sought clarification from the Advisory Committee as to whether there was any rule or regulation or General Assembly resolution under which the Secretary-General could seek to grant exceptions to established recruitment procedures.

23. **Ms. Incera** (Costa Rica) said that paragraph 13 of document A/AC.121/43, to be submitted to the Special Committee on Peacekeeping Operations, needed to be corrected, since it was not the Special Committee which had originated the programme for the phasing out of gratis personnel.

24. **Ms. Buergo Rodríguez** (Cuba) said that her delegation noted with deep concern the Advisory Committee's comment, in paragraph 2 of its report, that in the majority of cases the functions that were being performed by gratis

personnel could be performed by Secretariat staff. It was regrettable to note, in annex VIII to document A/53/715, that many functions were being carried out by gratis personnel at the United Nations Office at Nairobi (UNON); she asked why those functions were not being carried out by the consultants provided for in the budget. She also wished to know why the information from UNON had not been submitted on time. The information provided in annex VI should indicate the nationality of the persons concerned. Her delegation hoped that the General Assembly would now conclude its consideration of the subject of gratis personnel.

25. **Mr. Odaga Jalomayo** (Uganda) asked whether the four additional candidates for posts to be filled through secondment from active military and civilian police (A/53/847, para. 6) had been recruited. He requested information on the distribution of all the new posts by gender and nationality. With regard to the recruitment and placement of civilian staff (para. 7) he asked whether the one additional candidate had reported for duty in March 1999.

26. With regard to UNON (A/C.5/53/54, paras. 6 and 7), his delegation sought reassurance that there were no other cases of recruitment of gratis personnel which had not been reported, and that the Director-General had in fact phased out all type II gratis personnel by the deadline of 28 February 1999.

27. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), referring to the format of the Advisory Committee's report in relation to compliance with the provisions of General Assembly resolutions 52/214 B and 53/208 B, said that it had never been the Advisory Committee's intention to submit reports to the Fifth Committee which were contrary to the provisions of the General Assembly's directives. The Advisory Committee intended to take up the matter regarding the applicability of the above-mentioned resolutions to the submission of Advisory Committee reports. He would report to the General Assembly at the appropriate time.

28. In paragraph 4 of its report (A/53/417/Add.1) the Advisory Committee had noted, regarding the continuation of one gratis personnel beyond 28 February 1999 in the International Tribunal for the Former Yugoslavia, that whether or not the reasons for continuance in service might have been valid, the Committee strongly believed that the concurrence of the General Assembly should have been sought before any exception was made, in order to comply with General Assembly resolution 52/234. The Advisory Committee's observation in paragraph 5 related to the exception to General Assembly resolution 51/226 whereby the Secretary-General had recruited gratis personnel as staff

members before six months had expired. The Advisory Committee pointed out that the procedure followed by the Secretariat was in contravention of the provisions of resolution 51/226 and that the Secretary-General should have sought prior concurrence from the Assembly or, had it not been in session, from the Advisory Committee.

29. It was usual for the Advisory Committee to perform functions on behalf of the General Assembly in some circumstances, for example, under the resolution on unforeseen and extraordinary expenses. If the Secretary-General faced a situation which had not been anticipated by the General Assembly, he would consult the Advisory Committee as to how to proceed. There were precedents in that regard.

30. Paragraph 4 dealt with a specific and clear stipulation from the General Assembly to terminate the contract by 28 February 1999. However, the Secretary-General, for a perfectly valid reason, had extended the contract without referring to the General Assembly. Had the Secretary-General sought prior concurrence from the Advisory Committee, or had he informed the Fifth Committee of the implications of not extending the post until the conclusion of the case, it would have been very difficult for the Advisory Committee or the Fifth Committee to have denied his request.

31. Similarly, the comments in paragraph 5 were a matter of management common sense. There was a clear provision from the General Assembly, but the Secretary-General's representatives had concluded that if they had not recruited those individuals quickly there would have been considerable delays in the cases being prepared. There again, the Secretary-General should have approached the Advisory Committee or the General Assembly and sought guidance on how to proceed.

32. **Mr. Sial** (Pakistan) said that the question of 17 gratis personnel appointed at the International Tribunal for the former Yugoslavia should have been dealt with in accordance with paragraph 18 of General Assembly resolution 52/234. Equally, the provisions of paragraph 26, part III B, of resolution 51/226 should not have been violated. Concerning prior concurrence, it was the General Assembly that should have been consulted in what were personnel matters.

Management irregularities causing financial losses to the Organization (A/53/849)

33. **Ms. Salim** (Assistant Secretary-General for Human Resources Management) introduced the report of the Secretary-General on management irregularities causing

financial losses to the Organization (A/53/849), highlighting part III on actions that might lead to financial losses, including losses due to mistakes, losses due to gross negligence and losses due to fraud. With regard to the recovery of such losses (part V), the systematic determination of the extent of personal financial liability needed to be addressed further. Those measures would be tackled as part of the development of accountability measures currently under consideration. Part VI dealt with reporting procedures.

Impact of the implementation of pilot projects on budgetary practices and procedures (continued)
(A/52/852; A/C.5/53/53)

34. **Mr. Dossal** (Director, Management Policy Office), introducing the note by the Secretary-General on the impact of the implementation of pilot projects on budgetary practices and procedures (A/C.5/53/53), said that, for scheduling reasons, the Secretary-General was requesting that the consideration of the question should be deferred to the fifty-fourth session of the General Assembly, by which time the report requested would be available.

35. **Mr. Stein** (Germany), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in addition, Norway, said that, in the view of the European Union, the following elements were relevant in dealing with irregularities committed by staff members: a clear set of rules allowing for appropriate and effective action once irregularities had occurred; adequate internal controls and oversight aimed at preventing such irregularities or at unearthing them if they occurred; and a management environment which promoted good management, discouraged irregularities and took decisive action on the basis of existing rules.

36. In that connection, the European Union welcomed the statement in the Secretary-General's report (A/53/849) that every possible effort would be made to recover the losses incurred as a result of fraudulent conduct, gross negligence or wilful disregard of the rules, regulations, and policies of the Organization. The European Union believed that the rules and tools to act were generally in place and at the disposal of the Organization, and that they should be fully employed. It was particularly vital for staff members, especially those in supervisory positions, to be aware of the need for accountability and the need to address cases of wrongdoing. If such situations occurred, staff members should know their duties and responsibilities. The Assistant

Secretary-General for Human Resources Management should be fully informed by the department head concerned of any case of wrongdoing at the same time as it was reported to the Controller.

37. The European Union agreed with the Secretary-General that it would be unrealistic to expect staff, when making decisions, to exercise perfect judgement at all times, and that mistakes made should be addressed through effective performance management. Unfortunately, the recent history of the Organization showed that that principle had not always been followed. The European Union hoped that with the establishment and full implementation of the Performance Appraisal System, mistakes, which were in fact a category of underperformance, could and would be consistently addressed by the Organization. The Integrated Management Information System (IMIS) could also play an important role in ensuring the proper implementation of regulations and rules. Furthermore, while it was the duty of staff at all times to strive for the highest standards of competence, integrity and efficiency, the Organization, when filling posts with administrative and financial responsibilities, must choose the right staff to discharge the functions that they were entrusted with, particularly at the managerial levels, and it must provide them with adequate training so as to enable them to cope with the ever-growing complexity of their tasks. The European Union believed that the Office of Human Resources Management should continue to play an important role with regard to standard-setting and policy development as well as monitoring of implementation.

38. **Ms. Buergo Rodríguez** (Cuba) said it was regrettable that nearly a year and a half after the original request by the Assembly regarding the impact of the implementation of pilot projects on budgetary practices and procedures, the Secretariat had still not been able to provide the information requested. The Secretary-General's note (A/C.5/53/53) stated that the Committee's deliberations on human resources management would be used by the Secretariat as an input in its preparation of the report to be submitted. Those deliberations were, however, unrelated to the report; she wished to know how the Secretariat had been able to establish such a link and how it could be that information on the implementation of pilot projects depended on the outcome of the Committee's deliberations on human resources management. She hoped that, at the second part of the resumed session in May, the Committee would be able to consider the item in depth on the basis of the report to be submitted. It was regrettable that no decision could be taken at the current meeting.

39. The impact of the implementation of pilot projects on budgetary practices and procedures should be considered under the agenda item on the programme budget, which was the context in which the original report had been requested by the General Assembly.

40. Her delegation was concerned about the financial losses that management irregularities caused the Organization. In that regard she wished to know how much the issuance of reports that did not contain enough accurate information to permit the General Assembly to take a decision cost the organization.

41. **Mr. Moktefi** (Algeria) said that document A/C.5/53/53 did not provide any substantive information on which the Fifth Committee and the General Assembly could take decisions. The report on the pilot project at ECLAC, which would have helped the Committee to understand in practical terms the impact of the delegation of authority to programme managers, was not available. His delegation deplored that situation and wondered how a report requested by the General Assembly could take so long to be issued. Any decision by the Committee taking note of document (A/C.5/53/53) should include a paragraph expressing the General Assembly's regret at the belated issuance of the report.

42. **Mr. Repasch** (United States of America) said that the report on management irregularities (A/53/849) was very useful and informative and was particularly enlightening when viewed in the context of the report of the Office of Internal Oversight Services on allegations of theft of funds by United Nations Conference on Trade and Development staff members (A/53/811). Referring to the executive summary of the OIOS report, and to paragraphs 16 and 44, he said that his delegation wanted a formal written response from the Secretariat on the action taken against the Chief of Administrative Service, who had abnegated his supervisory responsibility and had been promoted instead of being disciplined.

43. **Mr. Sulaiman** (Syrian Arab Republic) said that his delegation was surprised that the report on management irregularities (A/53/849) contained theoretical information on the principles to be applied, but nothing on the substance of the question.

44. Not enough information had been provided in document A/52/852 to allow his delegation to conclude that implementing the pilot projects would not impact either procedures or the existing Financial Regulations and Rules. He hoped the forthcoming report would address the question in greater depth.

45. Finally, he drew attention to errors in the Arabic versions of the titles of documents A/53/849 and A/C.5/53/53.

46. **Mr. Jara** (Chile) said that his delegation awaited with special interest the report on the pilot project at ECLAC. After that report had been received it would be possible to enter into an informed and constructive debate on the matter.

47. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the note by the Secretary-General contained in document A/C.5/53/53; regret that the information requested in accordance with General Assembly decision 53/456 had not been submitted; and decide to defer consideration of the question of the impact of the implementation of pilot projects on budgetary practices and procedures to the second part of its resumed fifty-third session.

48. *It was so decided.*

49. **The Chairman** said that he would transmit the report of the Secretary-General on management irregularities causing financial losses to the Organization (A/53/849) to ACABQ for its consideration.

Organization of Work

50. **The Chairman** said that, because of lack of time, he took it that the Committee wished to defer consideration of agenda item 117, Pattern of conferences, to the second part of the resumed fifty-third session.

51. *It was so decided.*

52. **Mr. Sulaiman** (Syrian Arab Republic) said that, pending formal consideration of that item, he would like to hear the views of the Secretariat on some questions of interest to his delegation. First, he would like a status report on the translation of documents on the standardization of geographical names. Second, he requested an explanation of the reason why the press release containing General Assembly resolutions adopted at the main part of the fifty-second and fifty-third sessions had not been translated into Arabic. Third, it was his understanding that the book *Basic Facts about the United Nations* was available in English, French and Spanish, but he would like to know why it was not available in the other three official languages.

53. **Mr. Sial** (Pakistan) said that his delegation would welcome a report from the Secretariat on the implementation of General Assembly resolutions 52/214 and 53/208.

The meeting rose at 12.15 p.m.